

JUDGE KOEHL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

13-CV-1888

JASON MAKULA,

Plaintiff,

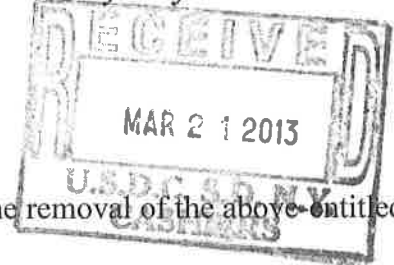
- against -

NATIONAL THEATRE OF SCOTLAND,

Defendant.

**NOTICE OF REMOVAL**

**Defendant Demands  
A Trial By Jury**



**COUNSELORS:**

**PLEASE TAKE NOTICE**, that a Notice for the removal of the above-entitled action from Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York, a copy of which is annexed hereto, was duly filed on the 21<sup>st</sup> day of March 2013.

**PLEASE TAKE FURTHER NOTICE**, that upon the filing of said petition, a copy of the Notice was filed with the Clerk of the Supreme Court, New York County.

Dated: New York, New York  
March 20, 2013

Yours, etc.

**QUIRK and BAKALOR, P.C.**

**Richard Bakalor (RB3542)**  
Attorneys for Defendant  
845 Third Avenue  
New York NY 10022  
212-319-1000

TO:

HARRIS/LAW  
Attorneys for Plaintiff  
110 East 59<sup>th</sup> Street - Suite 3200  
New York NY 10022

JUDGE KOELTL  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

13 CV 1888

JASON MAKULA,

Plaintiff,

- against -

NATIONAL THEATRE OF SCOTLAND,

Defendant.

**PETITION OF REMOVAL**

**Defendant Demands  
A Trial By Jury**

-----X  
**TO: THE HONORABLE JUDGES OF THE UNITED STATES  
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

Petitioner NATIONAL THEATRE OF SCOTLAND (hereafter 'NTS')

respectfully alleges and shows this Court as follows:

1. Plaintiff filed an action in Supreme Court, New York County, on October 18, 2012.
2. The action was entitled *Jason Makula against National Theatre of Scotland and National Theatre of Scotland, America, Inc.* (copy of Summons and Complaint attached hereto as **Exhibit "A"**).
3. According to Paragraph First of the Complaint, plaintiff is a resident of New Haven, Connecticut, and upon information and belief remains a resident of Connecticut.
4. NTS was served the Summons and Complaint on November 13, 2012.
5. NTS answered the Complaint on January 15, 2013 (copy of Answer attached hereto as **Exhibit "B"**).
6. NTS is a registered company in Scotland, with its principal place of business located in Glasgow, Scotland.



7. Since the Complaint did not contain any monetary demand, a Demand for Damages was served on plaintiff's attorney on January 15, 2013 (copy of Demand attached hereto as **Exhibit "C"**).

8. A Response to the Combined Demand showed a damage demand in the amount of Twenty Million (\$20,000,000.00) Dollars (copy of said Response to Combined Demand attached hereto as **Exhibit "D"**).

9. Said Response to Demand was served on Quirk and Bakalor, P.C., the attorneys for NTS on February 21, 2013, and was received by Quirk and Bakalor, P.C., on February 24, 2013.

10. Such was the first monetary demand indicating that the amount in controversy was over \$75,000.00 exclusive of interest and costs.

11. NATIONAL THEATRE OF SCOTLAND, AMERICA, INC., is a Delaware corporation with its principal place of business in Glasgow, Scotland.

12. NATIONAL THEATRE OF SCOTLAND, AMERICA, INC., never answered.

13. A Stipulation was entered into between the attorneys for the parties discontinuing plaintiff's action against NATIONAL THEATRE OF SCOTLAND, AMERICA, INC., and amending the caption by deleting NATIONAL THEATRE OF SCOTLAND, AMERICA, INC., from the caption.

14. The Stipulation was dated March 19, 2013. It was So Ordered by Justice Shlomo Hagler of Supreme Court, New York County, on March 20, 2013. Copy of the conformed, stamped Stipulation of Discontinuance attached hereto as **Exhibit "E"**.

15. The above-captioned action is one of which this Court has original jurisdiction under the provisions of Title 28 United States Code 1332 and Title 28, United States Code 1441, in that diversity of citizenship exists. The plaintiff is a resident of the State of Connecticut, residing in New Haven, Connecticut. The defendant NTS is a Scotland company and has its principal place of business in Glasgow, Scotland.

16. The accident occurred in New York County.

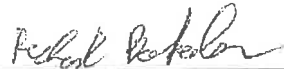
17. The Petition for Removal is being filed within thirty days after first receiving notification from plaintiff's attorney or anyone else that the demand for damages in the action was over \$75,000 exclusive of interest and costs and is being filed within one year of the commencement of the action.

**WHEREFORE**, petitioner prays that the above action now pending against it in the Supreme Court of the State of New York, New York County, be removed to the United States District for the Southern District of New York.

Dated: New York, New York  
March 20, 2013

Yours, etc.

**QUIRK and BAKALOR, P.C.**



**Richard Bakalor (RB3542)**  
*Attorneys for Defendant*  
845 Third Avenue  
New York NY 10022  
212-319-1000

TO:

HARRIS/LAW  
*Attorneys for Plaintiff*  
110 East 59<sup>th</sup> Street  
Suite 3200  
New York NY 10022

Check Applicable Box

☐ Certification By Attorney

☐ Attorney's Affirmation

certify that the within has been compared by me with the original and found to be a true and complete copy.

state that I am

the attorney(s) of record for

action; I have read the foregoing

the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by

in the within

and know the contents thereof;

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated:

STATE OF NEW YORK, COUNTY OF

ss.:

I, the undersigned, being duly sworn, depose and say: I am

The name signed must be printed beneath

Check Applicable Box

☐ Individual Verification

in the action; I have read the foregoing

and know the contents thereof; the same is true to my own knowledge, except

☐ Corporate Verification

as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

the of

a

corporation and a party in the within action; I have read the foregoing

and know the contents thereof; and the same is true to my own knowledge,

except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on

The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF **NEW YORK**

ss.:

(If more than one box is checked—indicate after names type of service used.)

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at

**FLUSHING, NY**

On **March 21** 2013

I served the within

**Notice of Removal**

Check Applicable Box

☒ Service By Mail

☐ Personal Service on Individual

☐ Service by Electronic Means

☐ Overnight Delivery Service

by mailing a copy to each of the following persons at the last known address set forth after each name below.

by delivering a true copy of each personally to each person named below at the address indicated. I knew each person served to be the person mentioned and described in said papers as a party therein:

by transmitting a copy to the following persons by ☐ FAX at the telephone number set forth after each name below ☐ E-MAIL at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a copy to the address set forth after each name.

by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name below.

**HARRIS/LAW**

**Attorneys for Plaintiff**

**110 East 59<sup>th</sup> Street - Suite 3200**

**New York NY 10022**

**KAREN P. ARTUSA**  
**Notary Public, State of New York**  
**No. 01AR6224793**  
**Qualified in Nassau County**  
**Commission Expires July 12, 2014**

Sworn to before me on **March 21** 2013

*Sonja Baier*  
 The name signed must be printed beneath

**SONJA BAIER**

*Karen Artusa*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Index No.

Year

JASON MAKULA,

Plaintiff,

-against-

NATIONAL THEATRE OF SCOTLAND,

Defendant.

NOTICE OF REMOVAL

QUIRK AND BAKALOR, P.C.

*Attorney(s) for* Defendant

*Office and Post Office Address, Telephone*

845 Third Avenue  
NEW YORK, NEW YORK 10022  
(212) 319-1000

To

Signature (Rule 130-1.1-a)

Print name beneath

Service of a copy of the within is hereby admitted.

Attorney(s) for

Dated: \_\_\_\_\_

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a  
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order  
will be presented for settlement to the HON.  
within named Court, at  
on \_\_\_\_\_ at \_\_\_\_\_ M.

Dated,

of which the within is a true copy  
one of the judges of the

Yours, etc.

QUIRK AND BAKALOR, P.C.